



Department of Planning, Building and Code Enforcement

STEPHEN M. HAASE, AICP, DIRECTOR

**PUBLIC NOTICE
INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION
CITY OF SAN JOSÉ, CALIFORNIA**

Project File Number, Description, and Location

GP04-T-01. GENERAL PLAN TEXT AMENDMENT request to revise General Plan policies and Land Use/Transportation Diagram designation descriptions to facilitate recycling uses on landfill sites.

(City of San Jose, Applicant).

Council District: Citywide

California State Law requires the City of San José to conduct environmental review for all pending projects that require a public hearing. Environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur if a project is approved and implemented. The Director of Planning, Building & Code Enforcement would require the preparation of an Environmental Impact Report if the review concluded that the proposed project could have a significant unavoidable effect on the environment. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present. The project location **does not** contain a listed toxic site.

Based on an initial study, the Director has concluded that the project described above will not have a significant effect on the environment. We have sent this notice to all owners and occupants of property within 500 feet of the proposed project to inform them of the Director's intent to adopt a Mitigated Negative Declaration for the proposed project on **September 8, 2004**, and to provide an opportunity for public comments on the draft Mitigated Negative Declaration. The public review period for this draft Mitigated Negative Declaration begins on **August 10, 2004** and ends on **September 8, 2004**.

A public hearing on the project described above is tentatively scheduled for **September 8, 2004 at 6:00 P.M.** in the City of San Jose Council Chambers, 801 N. First Street, San Jose, CA 95110. The draft Mitigated Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 801 N. First Street, Room 400, San Jose, CA 95110. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 150 E. San Fernando St, San José, CA 95112, and online at <http://www.sanjoseca.gov/planning/eir/MND2004.htm>. Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City Ordinance. For additional information, please call **Jenny Nusbaum** at (408) 277-4576.

Stephen M. Haase, AICP
Director, Planning, Building and Code Enforcement

Circulated on: August 9, 2004

Deputy

**DRAFT
MITIGATED NEGATIVE DECLARATION**

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

NAME OF PROJECT: General Plan Text Amendment to Facilitate Recycling on Landfill Sites

PROJECT FILE NUMBER: GP04-T-01

PROJECT DESCRIPTION: GENERAL PLAN TEXT AMENDMENT request to revise General Plan policies and Land Use/Transportation Diagram designation descriptions to facilitate recycling uses on landfill sites. The proposed General Plan text amendment includes revision of text in the Specific Land Use Plan for the Alviso Planned Community. The General Plan text amendment could potentially facilitate the continuation and expansion of recycling operations on landfill sites after closure of landfills.

PROJECT LOCATION & ASSESSORS PARCEL NO.: Citywide

COUNCIL DISTRICT: Citywide

NAME OF APPLICANT: City of San Jose

MAILING ADDRESS AND PHONE NO. OF APPLICANT CONTACT PERSON:

FINDING

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

**MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE
POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL**

Any future development or expansion of recycling operations on landfill sites would need to be approved through a Planned Development (PD) zoning and Planned Development (PD) permit process that would be subject to additional CEQA review. Through these processes new development for recycling operations on landfill sites would be required to address geology and soils, cultural, hazards and hazardous materials, hydrology and water quality, noise, transportation and traffic impacts. Approved projects would be required to be consistent with the General Plan policies stated below. With the inclusion of these processes and policies, this General Plan text amendment will have less than significant impacts on air quality, biological, geology and soils, cultural, hazards and hazardous materials, hydrology and water quality, noise, transportation and traffic.

Air Quality Policies:

1. The City should take into consideration the cumulative air quality impacts from proposed developments and should establish and enforce appropriate land uses and regulations to reduce air pollution consistent with the region's Clean Air Plan and State law.
2. Expansion and improvement of public transportation services and facilities should be promoted, where appropriate, to both encourage energy conservation and reduce air pollution.
3. The City should urge effective regulation of those sources of air pollution, both inside and outside of San José, which affect air quality. In particular, the City should support Federal and State regulations to improve automobile emission controls.
5. In order to reduce vehicle miles traveled and traffic congestion, new development within 1,000 feet of an existing or planned transit station should be designed to encourage the usage of public transit and minimize the dependence on the automobile through the application of site design guidelines.
6. The City should continue to actively enforce its ozone-depleting compound ordinance and supporting policy to ban the use of chlorofluorocarbon compounds (CFCs) in packaging and in building construction and remodeling to help reduce damage to the global atmospheric ozone layer. The City may consider adopting other policies or ordinances to reinforce this effort.

Woodlands, Grasslands, Chaparral and Scrub Policies:

1. The nature and amount of public access to wooded areas and grasslands, when allowed, should be consistent with the environmental characteristics of these areas.
2. The use of motorized off-road vehicles should be limited, and strictly regulated, in woodlands, grasslands, and hillside areas.
3. The City should cooperate with other agencies in the preservation of hillside vegetation.
4. Grading should be designed to minimize the removal of significant vegetation.
5. The City should preserve and protect oak woodlands, and individual oak trees, to the greatest extent feasible.
6. The City should encourage appropriate reforestation and planting projects in hillside areas.

7. Appropriate agricultural practices should be encouraged in hillside areas.
8. Serpentine grasslands, particularly those supporting sensitive serpentine bunchgrass communities of plant and animal species of concern, should be preserved and protected to the greatest extent feasible. When disturbance cannot be avoided, appropriate measures should be required to restore, or compensate for loss of serpentine bunchgrass communities or habitat of species of concern.

Riparian Corridors and Upland Wetlands Policies:

1. Creeks and natural riparian corridors and upland wetlands should be preserved whenever possible.
2. New public and private development adjacent to riparian corridors should be consistent with the provisions of the Riparian Corridor Policy Study.
3. New development within the Urban Service Area should be set back from the outside edge of riparian habitat (or top of bank, whichever is greater) a distance sufficient to buffer the impacts of adjacent human activities and provide avenues for wildlife dispersal.
4. New development should be designed to protect adjacent riparian corridors from encroachment of lighting, exotic landscaping, noise and toxic substances into the riparian zone.
5. When disturbances to riparian corridors and upland wetlands cannot be avoided, appropriate measures should be required to restore, or compensate for damage to, the creeks or riparian corridors
6. The City encourages appropriate native plant restoration projects along riparian corridors, upland wetlands, and in adjacent upland areas.
7. The City should consider the preparation of a Riparian Restoration Action Plan to assess riparian conditions and identify potential riparian restoration programs and priorities.
8. Natural riparian corridors outside the Urban Service Area should be protected from disturbance associated with development (such as structures, roadways, sewage disposal facilities and overhead utility lines, except those required for flood control or bridging) by a minimum 150 foot setback from the top bank line, wherever feasible.

Bay and Baylands Policies:

1. The baylands should be preserved and restored in a manner consistent with the fragile environmental characteristics of this area and the interest of the citizens of San José in a healthful environment.
2. Urban development in the baylands is discouraged unless it can be shown that it results in no net loss of baylands habitat value.
3. The City should cooperate with the County, U.S. Army Corps of Engineers, EPA, California Department of Fish and Game, and other appropriate jurisdictions to prevent the degradation of baylands by discouraging new filling or dredging of Bay waters and baylands.
4. The City, in cooperation and, where appropriate, consultation with other interested agencies, should encourage the restoration of diked historic wetlands, including salt ponds, to their natural state by opening them to tidal action.

5. The City should continue to participate in the Santa Clara Valley Urban Runoff Pollution Prevention Program and take other necessary actions to formulate and meet regional water quality standards which are implemented through the National Pollution Discharge Elimination System Permits and other measures.

6. No development which creates adverse impacts on the National Wildlife Refuge in South San Francisco Bay or results in a net loss of baylands habitat value should be permitted.

Species of Concern Policies:

1. Consideration should be given to setting aside conservation areas in the Bay and baylands, along riparian corridors, upland wetlands, and hillside areas to protect habitats of unique, threatened and endangered species of plants and animals, and to provide areas for educational and research purposes.

2. Habitat areas that support Species of Concern should be retained to the greatest extent feasible.

3. Recreational uses in wildlife refuges, nature preserves and wilderness areas in parks should be limited to those activities which have minimal impact on sensitive habitats.

4. New development on undeveloped properties throughout the City contributes to the regional loss of Burrowing Owl habitat. To offset this loss of habitat, the City should require either habitat preservation on or off site or other appropriate measures for habitat acquisition, habitat enhancement and maintenance of local habitat bank.

Urban Forest Policies:

1. The City should continue to support volunteer urban forestry programs that encourage the participation of interested citizens in tree planting and maintenance in neighborhoods and parks.

2. Development projects should include the preservation of ordinance-sized, and other significant trees. Any adverse affect on the health and longevity of native oaks, ordinance sized or other significant trees should be avoided through appropriate design measures and construction practices. When tree preservation is not feasible, the project should include appropriate tree replacement. In support of these policies the City should:

- Continue to implement the Heritage Tree program and the Tree Removal Ordinance.

- Consider the adoption of Tree Protection Standards and Tree Removal Mitigation Guidelines.

3. The City encourages the maintenance of mature trees on public and private property as an integral part of the urban forest. Prior to allowing the removal of any mature tree, all reasonable measures that can effectively preserve the tree should be pursued.

4. In order to realize the goal of providing street trees along all residential streets, the City should:

- Continue to update, as necessary, the master plan for street trees which identifies approved species.

- Require the planting and maintenance of street trees as a condition of development.

- Continue the program for management and conservation of street trees which catalogs street tree stock replacement and rejuvenation needs.

5. The City should encourage the selection of trees appropriate for a particular urban site. Tree placement should consider energy saving values, nearby powerlines, and root characteristics.
6. Trees used for new plantings in urban areas should be selected primarily from species with low water requirements.
7. Where appropriate, trees that benefit urban wildlife species by providing food or cover should be incorporated in urban plantings.
8. Where urban development occurs adjacent to natural plant communities (e.g. oak woodland, riparian forest), landscape plantings should incorporate tree species native to the area to the greatest extent feasible.

Urban Design Policies:

5. The design review process should take into consideration the long term maintenance ramifications of the design of private streets and other private infrastructure improvements.
8. Design solutions should be considered in the development review process that address security, aesthetics and public safety. Public safety issues include, but are not limited to, minimum clearances around buildings, fire protection measures such as peak load water requirements, construction techniques, and minimum road widths and other standards set forth in relevant City Codes. All development projects should comply with the safety standards established in these referenced codes.
13. At the edge of the Valley floor, development should incorporate loop streets and cul-de-sacs, rather than streets stubbed into lands planned for non-urban use in order to minimize development pressures on such nonurban areas.
14. New urban development should be designed to minimize impacts in areas with an established and permanent rural or semi-rural character.
17. Development adjacent to creekside areas should incorporate compatible design and landscaping including plant species which are native to the area or are compatible with native species.
24. New development projects should include the preservation of ordinance sized and other significant trees. Any adverse affect on the health and longevity of such trees should be avoided through appropriate design measures and construction practices. When tree preservation is not feasible, the project should include appropriate tree replacement.

Historic, Archaeological and Cultural Resources Policies:

1. Because historically or archaeologically significant sites, structures and districts are irreplaceable resources, their preservation should be a key consideration in the development review process.
8. For proposed development sites which have been identified as archaeologically sensitive, the City should require investigation during the planning process in order to determine whether valuable archaeological remains may be affected by the project and should also require that appropriate mitigation measures be incorporated into the project design.

9. Recognizing that Native American burials may be encountered at unexpected locations, the City should impose a requirement on all development permits and tentative subdivision maps that upon discovery of such burials during construction, development activity will cease until professional archaeological examination and reburial in an appropriate manner is accomplished.

10. Heritage trees should be maintained and protected in a healthy state. The heritage tree list, identifying trees of special significance to the community, should be periodically updated.

Soils and Geologic Conditions Policies:

The Soils and Geologic policies stress the need for identification and awareness of soils contamination and geologic hazards in the planning and development of the future urbanization of the City. Areas of potential geological hazard are defined on the Landslide Susceptibility, Fault Traces, and Erosion Potential Maps contained in the "Technical Report, Geological Investigation, City of San José's Sphere of Influence", prepared by Cooper-Clark Associates, and on the State of California Special Study Zones Maps, both as referenced above. The areas identified on these maps broadly define likely locations of soils and geologic hazards. Detailed study of these potential impacts is necessary in conjunction with the development review process in order to identify and assess the site-specific conditions.

1. The City should require soils and geologic review of development proposals to assess such hazards as potential seismic hazards, surface ruptures, liquefaction, landholdings, mudsliding, erosion and sedimentation in order to determine if these hazards can be adequately mitigated.

2. The City should not locate public improvements and utilities in areas with identified soils and/or geologic hazards to avoid any extraordinary maintenance and operating expenses. When the location of public improvements and utilities in such areas cannot be avoided, effective mitigation measures should be implemented.

3. In areas susceptible to erosion, appropriate control measures should be required in conjunction with proposed development.

4. In order to prevent undue erosion of creek banks, the City should seek to retain creek channels in their natural state, where appropriate.

5. The Development Review process should consider the potential for any extraordinary expenditures of public resources to provide emergency services in the event of a man-made or natural disaster.

6. Development in areas subject to soils and geologic hazards should incorporate adequate mitigation measures.

7. The City should cooperate with the Santa Clara Valley Water District's efforts to prevent the recurrence of land subsidence.

8. Development proposed within areas of potential geological hazards should not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties.

9. Residential development proposed on property formerly used for agricultural or heavy industrial uses should incorporate adequate mitigation/ remediation for soils contamination as recommended through the Development Review process.

Earthquakes Policies:

1. The City should require that all new buildings be designed and constructed to resist stresses produced by earthquakes.
2. The City should foster the rehabilitation or elimination of structures susceptible to collapse or failure in an earthquake.
3. The City should only approve new development in areas of identified seismic hazard if such hazard can be appropriately mitigated.
4. The location of public utilities and facilities, in areas where seismic activity could produce liquefaction should only be allowed if adequate mitigation measures can be incorporated into the project.
5. The City should continue to require geotechnical studies for development proposals; such studies should determine the actual extent of seismic hazards, optimum location for structures, the advisability of special structural requirements, and the feasibility and desirability of a proposed facility in a specified location.
6. Vital public utilities as well as communication and transportation facilities should be located and constructed in a way which maximizes their potential to remain functional during and after an earthquake.
7. Land uses in close proximity to water retention levees or dams should be restricted unless such facilities have been determined to incorporate adequate seismic stability.
8. Responsible local, regional, State, and Federal agencies should be strongly encouraged to monitor and improve the seismic resistance of dams in the San José area.

Hazards Policies:

1. Development should only be permitted in those areas where potential danger to the health, safety, and welfare of the residents of the community can be mitigated to an acceptable level.
2. Levels of "acceptable exposure to risk" established for land uses and structures based on descriptions of land use groups and risk exposure levels are outlined in Figure 15, "Acceptable Exposure to Risk Related to Various Land Uses", and should be considered in the development review process.
3. Provisions should be made to continue essential emergency public services during natural catastrophes.
4. The City should continue updating, as necessary, the San José Building Code and Fire Prevention Code to address geologic, fire and other hazards.
5. The City should promote awareness and caution among San José residents regarding possible natural hazards, including soil conditions, earthquakes, flooding, and fire hazards.
6. Disaster preparedness planning should be undertaken in cooperation with other public agencies and appropriate public interest organizations.

Hillside Development Policies:

1. Regardless of the maximum potential residential densities designated by the Land Use/Transportation Diagram for land with a slope of 7% or greater, the City should only allow the development of these lands at densities consistent with the City's objectives of minimizing exposure to environmental hazards, maximizing resource conservation, and achieving compatibility with existing land use patterns.

4. The City should continue to apply strong architectural and site design controls on all types of hillside development for the protection of the hillsides and to minimize potential adverse visual and environmental impacts.

5. Planned Development zoning should be used to govern hillside developments since it allows flexible design techniques such as clustering, and varying lot sizes, and setbacks that can help to minimize damage to the natural environment and maximize resource preservation.

6. In general, grading on hillsides should be minimized. When grading or recontouring of the terrain is necessary, it should be designed to preserve the natural character of the hills and to minimize the removal of significant vegetation.

7. Because street construction on slopes often requires a disruptive amount of grading, modified street sections designed for both utility and minimum grading are encouraged.

10. The preservation of existing trees, rock outcroppings and other significant features is encouraged.

11. Where urban development is permitted above the 15% slope line due to historic patterns of land use and development, no new construction should occur on ridgelines or on slopes exceeding 30% that are part of the major hillside areas or ridges that surround the valley floor.

12. The City encourages the preservation of hillside vegetation and, if vegetation must be removed, it should require appropriate revegetation and planting projects in hillside areas.

13. Development should only be permitted in hillside areas if potential danger to the health, safety, and welfare of the residents, due to landslides, fire, or other environmental hazards, can be mitigated to an acceptable level.

14. The City should require soils and geologic review of hillside development proposals to assess such potential hazards as seismic hazards, surface ruptures, liquefaction, landsliding, mudsliding, erosion and sedimentation in order to determine if these hazards are present and can be adequately mitigated. Geotechnical studies for hillside development proposals should determine the actual extent of seismic and other hazards, optimum location for structures, the advisability of special structural requirements, and the feasibility and desirability of a proposed facility in a specified location. Hillside development should incorporate the identified mitigation measures necessary to protect public safety and the natural environment.

15. Hillside development within areas of potential geological hazards should be designed to avoid being endangered by, or contributing to, the hazardous conditions on the site or on adjoining properties.

16. To avoid any extraordinary maintenance and operating expenses, the City should not locate public improvements, communication facilities, and utilities in hillside areas with identified soils and/or geologic hazards. When the location of public improvements, communication facilities, and utilities in such areas cannot be avoided, effective mitigation measures should be implemented to maximize their potential to remain functional during and after a seismic event.

17. In hillside areas susceptible to erosion, appropriate control measures should be required in conjunction with proposed development.

18. The Development Review process for projects in hillside areas should consider the potential for any extraordinary expenditures of public resources to provide emergency services in the event of a man-made or natural disaster.

Urban Service Area Policies:

7. Since the provision of sanitary sewers is an urban service and development served by sanitary sewers is thereby urban, the expansion of sanitary sewer districts is discouraged for areas planned in non-urban uses outside the Urban Service Area.

Water Resources Policies:

4. The City should not permit urban development to occur in areas not served by a sanitary sewer system.

Fire Hazards Policies:

1. "Controlled burning" programs, agricultural uses such as grazing and special planting, and maintenance programs to reduce potential fire hazards in the hills and wilderness areas should be encouraged where appropriate.

2. All new development should be constructed, at a minimum, to the fire safety standards contained in the San José Building Code.

3. New development adjacent to heavily grassed and semi-arid hillsides should be designed and located to minimize fire hazards to life and property, including the use of such measures as fire preventive site design, landscaping and building materials, and the use of fire suppression techniques, such as sprinklering.

4. Alternative water resources for fire fighting purposes should be identified for use during a disaster.

5. Anticipated fire response times and fire flows should be taken into consideration as a part of the Development Review process.

6. New development should provide adequate access for emergency vehicles, particularly fire fighting equipment, as well as provide secure evacuation routes for the inhabitants of the area.

7. The City should regulate the storage of flammable and explosive materials and strongly encourage the proper transportation of such materials.

Hazardous Materials Policies:

1. The City should require proper storage and disposal of hazardous materials to prevent leakage, potential explosions, fires, or the escape of harmful gases, and to prevent individually innocuous materials from combining to form hazardous substances, especially at the time of disposal.

2. The City should support State and Federal legislation which strengthen safety requirements for the transportation of hazardous materials.

3. The City should incorporate soil and groundwater contamination analysis within the environmental review process for development proposals. When contamination is present on a site, the City should report this information to the appropriate agencies that regulate the cleanup of toxic contamination.
4. Development located within areas containing naturally occurring asbestos should be required to mitigate any potential impacts associated with grading or other subsurface excavation.

Hazardous Waste Management Policies:

1. All proposals to site a hazardous waste management facility shall assure compatibility with neighboring land uses and be consistent with the siting criteria established in the County Hazardous Waste Management Plan (CHWMP) and this Plan. Where the two conflict, this Plan shall govern.
2. Areas designated for industrial uses may be appropriate for hazardous waste transfer/processing stations if, during the development review process, it is determined that such a use would be compatible with existing and planned land uses in the vicinity of the site and would meet the siting criteria established in the CHWMP and this Plan.
3. All proposals for new and expanded hazardous waste management facilities must provide adequate mitigation for identified environmental impacts.
4. A risk assessment shall be conducted as part of the environmental review process at the time a site-specific proposal for a hazardous waste facility is submitted to the City. This assessment should identify health, safety and environmental factors that may be unique to the site as well as to the types of waste to be managed. It should include an analysis of the potential for accidental and cumulative health and environmental impacts resulting from the proposed facility.
5. All proposals for hazardous waste facilities shall be consistent with the plans and policies of air and water quality regulatory agencies (i.e., Air Quality Management District, and the Regional Water Quality Control Board and this City).
6. Transportation of hazardous waste from the point of origin to the appropriate hazardous waste management facility shall be by the most direct legal route, utilizing state or interstate highways whenever feasible, and shall minimize distances along residential and other non-industrial frontages to the fullest extent feasible.
7. As part of the permitting process, transportation routes to and from hazardous waste facilities shall be designated by the City in order to minimize negative impacts on surrounding land uses.
8. Hazardous waste management facilities shall, where feasible, be located at sites which minimize the risks associated with the transportation of hazardous waste. Given their need for larger land areas and need to avoid incompatibility with surrounding urban land uses, residuals repositories (waste disposal facilities) may be located farther from waste generation sources than other types of hazardous waste facilities.
9. Proper storage and disposal of hazardous wastes shall be required to prevent leaks, explosions, fires, or the escape of harmful gases, and to prevent materials from combining to form hazardous substances and wastes.

Water Resources Policies:

1. The City, in cooperation with the Santa Clara Valley Water District, should restrict, or carefully regulate, public and private development in watershed areas, especially in those necessary for effective stream flow and for the prevention of excessive siltation.
2. Water resources should be utilized in a manner which does not deplete the supply of surface or groundwater, and efforts to conserve and reclaim water supplies, both local and imported, should be encouraged.
3. The City should encourage the Santa Clara Valley Water District to restrict public access and recreational uses on land adjacent to rivers, creeks, freshwater wetlands, and other significant water courses when water quality could be degraded.
4. The City should not permit urban development to occur in areas not served by a sanitary sewer system.
5. The City should protect groundwater recharge areas, particularly creeks and riparian corridors.
6. When new development is proposed in areas where storm runoff will be directed into creeks upstream from groundwater recharge facilities, the potential for surface water and groundwater contamination should be assessed and appropriate preventative measures should be recommended.
7. The City shall require the proper construction and monitoring of facilities storing hazardous materials in order to prevent contamination of the surface water, groundwater and underlying aquifers. In furtherance of this policy, design standards for such facilities should consider high groundwater tables and/or the potential for freshwater or saltwater flooding.
8. The City should establish policies, programs and guidelines to adequately control the discharge of urban runoff and other pollutants into the City's storm drains.
9. The City should take a proactive role in the implementation of the Santa Clara Valley Urban Runoff Pollution Prevention Program.
10. The City should encourage more efficient use of water by promoting water conservation and the use of watersaving devices.
11. The City should promote the use of reclaimed water when feasible, particularly for industrial users, for irrigation and in groundwater recharge areas.
12. For all new discretionary development permits for projects incorporating large paved areas or other hard surfaces (e.g., building roofs), or major expansion of a building or use, the City should require specific construction and post-construction measures to control the quantity and improve the water quality of urban runoff.

Flooding Policies:

1. New development should be designed to provide protection from potential impacts of flooding during the "1%" or "100-year" flood.
2. Development in watershed areas should only be allowed when adequate mitigation measures are incorporated into the project design to prevent unnecessary or excessive siltation of flood control ponds and reservoirs.

3. Designated floodway areas should be preserved for non-urban uses.
4. The City and the Santa Clara Valley Water District should cooperate to develop flood control facilities to protect the Alviso and North San José areas from the occurrence of the "1%" or "100-year" flood.
5. Appropriate emergency plans for the safe evacuation of occupants of areas subject to possible inundation from dam failure and natural flooding should be prepared and periodically updated.
6. The City should support State and Federal legislation which provides funding for the construction of flood control improvements in urbanized areas.
7. The City should require new urban development to provide adequate flood control retention facilities.
8. The City should cooperate with the Santa Clara Valley Water District to develop additional flood control retention facilities in areas where existing retention facilities are nearing capacity.

Noise Policies:

1. The City's acceptable noise level objectives are 55 DNL as the long-range exterior noise quality level, 60 DNL as the short-range exterior noise quality level, 45 DNL as the interior noise quality level, and 76 DNL as the maximum exterior noise level necessary to avoid significant adverse health effects. These objectives are established for the City, recognizing that the attainment of exterior noise quality levels in the environs of the San José International Airport the Downtown Core Area, and along major roadways may not be achieved in the time frame of this Plan. To achieve the noise objectives, the City should require appropriate site and building design, building construction and noise attenuation techniques in new residential development.
2. The City should include appropriate noise attenuation techniques in the design of all new arterial streets.
3. The City should encourage the State Department of Transportation and County Transportation Agency to provide sound attenuation devices which are visually pleasing on all new and existing freeways and expressways.
4. The City should monitor Federal legislative and administrative activity pertaining to aircraft noise for new possibilities for noise-reducing modifications to aircraft engines beyond existing Stage 3 requirements. In addition, the City should monitor the ongoing FAA study group discussions pertaining to land use around airports and oppose Federal policies pre-empting local land use authority. The City should monitor any efforts at the Federal level to revise or modify the Federal schedule for phase-out of Stage 2 aircraft. The City should continue to encourage the use of quieter aircraft at the San José International Airport.
5. The City should continue to require safe and compatible land uses within the International Airport noise zone (defined by the 65 CNEL contour as set forth in State law) and should also encourage operating procedures which minimize noise.
6. The City should continue to encourage the Federal Aviation Administration to enforce current cruise altitudes which minimize the impact of aircraft noise on land use.

7. The use of off-road vehicles such as trail bikes, mini-bikes and dune buggies should only be allowed in areas where the resulting noise is consistent with the City's exterior noise level guidelines and is compatible with adjacent land uses.
8. The City should discourage the use of outdoor appliances, air conditioners, and other consumer products which generate noise levels in excess of the City's exterior noise level guidelines.
9. Construction operations should use available noise suppression devices and techniques.
10. Commercial drive-through uses should only be allowed when consistency with the City's exterior noise level guidelines and compatibility with adjacent land uses can be demonstrated.
11. When located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses, nonresidential land uses should mitigate noise generation to meet the 55 DNL guideline at the property line.
12. Noise studies should be required for land use proposals where known or suspected peak event noise sources occur which may impact adjacent existing or planned land uses.

SERVICES AND FACILITIES

The General Plan level of service policies for transportation (streets) are based on the capacity of infrastructure systems. These level of service policies are applied to proposals for new development, whose contribution to the cumulative demand for capacity can be quantitatively estimated and appropriate mitigation measures, if any, identified.

Level of Service

The services and facilities most directly related to growth and development are sewage treatment, sanitary and storm sewers, transportation and flood protection. These services and facilities are essential to the successful development of individual projects and to the City's ability to accommodate economic development citywide. Police and fire protection, parks and recreation, and libraries are other services important to the City as a whole but these services do not have a necessary functional relationship with each individual development project. The City is directly or indirectly involved in the provision of these services, with several local, regional and State agencies sharing in the responsibility and authority for some of these services as well.

Level of Service Goals:

1. Provide a full range of City services to the community at service levels consistent with a safe, convenient and pleasant place to live and work.
2. Achieve level of service "D" for transportation.

Level of Service Policies:

1. The City's urban service delivery priorities should be ordered as follows:
 - Provide services and facilities designed to serve existing needs.
 - Prevent the deterioration of existing levels of service.

- Upgrade City service levels, when feasible.

2. Capital and facility needs generated by new development should be financed by new development. The existing community should not be burdened by increased taxes or by lowered service levels to accommodate the needs created by new growth. The City Council may provide a system whereby funds for capital and facility needs may be advanced and later repaid by the affected property owners.

3. The Urban Service Area should not be expanded without taking into consideration the funding necessary to adequately provide for the long term, without degrading services in the existing urban areas, for all City services and facilities including operations and maintenance required by the development anticipated in the area proposed for expansion.

4. The City should be proactive in promoting consolidation of overlapping services between governmental jurisdictions where it would increase efficiency and quality of service delivery, both Countywide and regionally.

5. The minimum overall performance of City streets during peak travel periods should be level of service "D".

- In recognition of the City's Smart Growth strategies and interest in creating and maintaining a livable community, San Jose is planning a balanced, multi-modal transportation system. Livable streets that accommodate vehicular as well as appropriate pedestrian, bicycle, and transit facilities are an important component of this transportation system.

- Development proposals should be reviewed for their measurable impacts on the level of service and should be required to provide appropriate mitigation measures if they have the potential to reduce the level of service to "E" or worse. These mitigation measures typically involve street improvements. When the mitigation for vehicular traffic compromises community livability by removing street trees, reducing front yards, or creating other neighborhood impacts, then improvements to transit, bicycle, or pedestrian facilities may be considered in combination with more appropriate street improvements to meet the level of service standard.

- To strengthen the neighborhood preservation strategy and objectives of the Plan, the City Council may adopt a Council Policy which establishes alternate mitigation measures, including improvements to transit, bicycle, and/or pedestrian facilities, for projects whose required traffic mitigation would result in an unacceptable impact on an affected neighborhood or City street.

- An "area development policy" may be adopted by the City Council to establish special traffic level of service standards for a specific geographic area which determines development impacts and mitigation measures. These policies may take other names or forms to accomplish the same purpose. Area development policies may be first considered only during the General Plan Annual Review and Amendment Process; however, the hearing on an area development policy may be continued after the Annual Review has been completed and the area development policy may thereafter be adopted or amended at a public meeting at any time during the year. The City of San Jose Council has adopted three Area Development Policies for Evergreen, North San Jose, and Edenvale. (See Chapter V. Land Use Plan, Special Strategy Areas, Area Development Policies.)

- In recognition of the substantial nontraffic benefits of infill development, small infill projects may be exempted from traffic mitigation requirements.

- In recognition of the unique position of the Downtown Core Area as the transit hub of Santa Clara County, and as the center for financial, business, institutional and cultural activities, development within the Downtown Core Area Boundary is exempted from traffic mitigation requirements. Intersections within and on the boundary of this area are also exempted from the level of service "D" performance criteria.

Infrastructure Management Policies:

1. The City's Infrastructure Management System Program should be utilized to identify the most efficient use of available resources to maintain the City's infrastructure and minimize the need to replace this infrastructure.
2. The City should explore new methods to supplement the City's existing resources devoted to the operation and maintenance of its infrastructure and facilities.

Transportation Policies:

Thoroughfares

1. Interneighborhood movement of people and goods should occur on thoroughfares and is discouraged on neighborhood streets.
2. The City should cooperate with other jurisdictions to develop a thoroughfares system which adequately meets the demand for intra-County trips and minimizes traffic congestion consistent with the provisions of the Santa Clara County Congestion Management Program.
3. Public street right-of-way dedication and improvements should be required as development occurs. Ultimate thoroughfare right-of-way should be no less than the dimensions as shown on the Land Use/Transportation Diagram except when a lesser right-of-way will avoid significant social, neighborhood or environmental impacts and perform the same traffic movement function.
4. Additional public street right-of-way beyond that designated on the Land Use/Transportation Diagram may be required to facilitate left-turn lanes, bus pullouts, and right-turn lanes in order to provide additional capacity at some intersections.
5. Where existing public street right-of way is determined to be greater than necessary for street purposes, such surplus right of-way should be disposed of in a manner consistent with State and local laws.
6. The City should encourage State participation in funding transportation projects intended to alleviate areas with a high incidence of accidents or major traffic congestion.
7. The traffic impacts on regional transportation facilities should be taken into consideration when reviewing major General Plan Land Use Diagram amendments.
8. Vehicular, bicycle, and pedestrian safety should be an important factor in the design of streets and roadways.

Impacts on Local Neighborhoods

9. Neighborhood streets should be designed to discourage through traffic and unsafe speeds. If neighborhood streets are used for through traffic or if they are traveled at unsafe speeds, law enforcement and traffic operations techniques should be employed to mitigate these conditions.

Transit Facilities

10. The City of San José is evolving as an interregional transit hub for Northern California and the City should foster and encourage this evolution.

11. The City should cooperate with the Santa Clara Valley Transportation Authority, the California Department of Transportation and other transportation agencies to achieve the following objectives for the County's public transit system:

- Provide all segments of the City's population, including people with disabilities, elderly, youth and people who are economically disadvantaged, with adequate access to public transit. Public transit should be designed to be an attractive, convenient, dependable and safe alternative to the automobile.
- Enhance transit service in major commute corridors, and provide convenient transfers between public transit systems and other modes of travel.
- Develop an efficient and attractive public transit system which meets the travel demand at major activity centers, such as the Downtown, major employment centers, major regional commercial centers, government offices, and colleges and universities.
- New development should be required to install indented curbs for bus pullouts, bus shelters and other transit-related public improvements, where appropriate.

12. Privately owned transit systems, such as taxicabs and private bus companies, should be encouraged to provide convenient transfers to and from public transit systems.

13. The City should encourage State and Federal legislation and programs to develop and promote viable alternative power sources to the internal combustion engine.

14. The City should promote the installation of High Occupancy Vehicle (HOV) lanes on State highways, freeways, and County expressways.

15. Where appropriate, the City should promote the location of child care facilities and other support services near light rail transit stations, major transportation hubs, and major employment centers.

16. Where feasible, transit stops should be compatible with the architectural style of adjacent development and should have appropriate amenities, including shade, to foster transit ridership.

Pedestrian Facilities

17. Pedestrian travel should be encouraged as a mode of movement between residential and non-residential areas throughout the City and in activity areas such as schools, parks, transit stations, and in urban areas, particularly the Downtown Core and Frame Areas and neighborhood business districts by providing pedestrian facilities that are pleasant, safe, accessible to people with disabilities, and convenient.

18. Safe access and mobility for people with disabilities, in accordance with the American with Disabilities Act (ADA), will be implemented as a minimum standard in the design of all pedestrian facilities. Additional features beyond the ADA are encouraged.

19. The City should encourage walking, bicycling, and public transportation as preferred modes of transportation.

20. Pedestrian safety and access should be given priority over automobile movement.

21. All non-rural portions of San Jose should have a continuous sidewalk network. Existing deficiencies in the City's sidewalks should be addressed through the Capital Improvement Program or other funding mechanisms.

22. Pedestrian pathways and public sidewalks should provide connectivity between uses, such as neighborhoods, schools, parks, libraries, open space, public facilities, shopping centers, employment centers, and public transit. A continuous pedestrian facilities network should include pedestrian connections between neighborhoods, across natural and man-made barriers, between dead-end streets, and to trails and transit.

23. Each land use has different pedestrian needs. Street and sidewalk designs should relate to the function of the adjoining land use(s) and transit access points.

24. In order to provide pedestrian comfort and safety, all pedestrian pathways and public sidewalks should provide buffers between moving vehicles and pedestrians where feasible (e.g., trees, planting strips, and parked cars).

25. To ensure that there is a continuous pedestrian network, pathways associated with a specific development should connect to the public pedestrian system.

26. The City's Capital Improvement Program and other mechanisms should implement quality pedestrian facilities identified in the General Plan's Pedestrian Priority Area and Trails and Pathways Diagrams.

Transportation Systems Management/ Transportation Demand Management

27. The City should cooperate with the Santa Clara County Transit District, CalTrain and other appropriate transit agencies in the development of park and ride lots to support public transit.

28. The City should promote participation and implementation of appropriate Transportation Demand Management measures such as carpooling and vanpooling, preferential parking and staggered work hours/flextime, as well as bicycling and walking, by all employers.

29. The City should continue its participation in interjurisdictional approaches, such as the Santa Clara County Congestion Management Agency, to develop and implement appropriate techniques to improve the regional transportation system.

Truck Facilities

30. Through truck traffic should be encouraged to utilize State freeways, County expressways, and six-lane arterial streets. Trucks should be encouraged to use those routes which have the least adverse impact on residential areas.

31. Industrial and commercial development should be planned so that truck access through residential areas is avoided. Truck travel on neighborhood streets should be minimized.

32. Freight loading and unloading for new or rehabilitated industrial and commercial developments should be designed to not occur on public streets.

Parking

33. Adequate off-street parking should be required in conjunction with all future developments. The adequacy and appropriateness of parking requirements in the Zoning Code should be periodically re-evaluated.

34. Public parking facilities should be located and designed in order to maximize the number of land use activities which can utilize the facility and to maximize utilization which can occur throughout the 24-hour day. Joint use parking facilities should also be encouraged in private developments.

35. Reserved parking for the handicapped should be allocated at all public offstreet parking sites.

36. Bicycle parking facilities should be provided at all public off-street parking sites.

37. Multiple occupancy vehicles should be afforded such incentives as preferred parking space location and reduced parking fees.

38. Parking facilities in the Downtown Core Area should be provided in three ways:

- Short-term parking should be available on-site or in close proximity to new development.
- Public perimeter parking should be provided within short walking distances to areas with the greatest employment densities.
- Peripheral parking should be provided at the fringe of the Core Area where walking or shuttle-service distances are longer from employment centers.

Rail

39. Whenever possible, grade separation of main line railroads and major arterial streets, particularly those of six lanes or more, should be provided. The City should maximize the use of available State and Federal funds for grade separated railroad crossings, and encourage the railroads to pay their equitable share of any such projects.

40. The City should continue its Capital Improvement Program to upgrade safety equipment at railroad crossings.

41. The City should take appropriate action to minimize unnecessary traffic delays on surface streets from trains by notifying the appropriate railroad personnel of such occurrences and, if necessary, notifying the Public Utilities Commission.

42. The City should encourage the railroads to fulfill their obligation to maintain railroad crossings.

43. For any decision regarding railroad rerouting or increased traffic on existing railroad routes, the effects of pollution, disruption or division of neighborhoods, demand for railroad service, and access for motor vehicles and pedestrians should be considered.

Aviation

44. The City should continue to provide aviation services at San José International Airport and promote airline service which meet the present and future air transportation needs of local residents and the business community, and which minimize impacts on the surrounding community.

45. Capital improvements to San José International Airport as identified in the Airport Master Plan should be implemented in a timely manner.

46. The City should foster compatible land uses in the vicinity of San José International Airport.

47. Development in the vicinity of airports should be regulated in accordance with Federal Aviation Administration guidelines to:

- Maintain the airspace required for the safe operation of these facilities.
- Avoid reflective surfaces, flashing lights and other potential hazards to air navigation.

48. Development in the vicinity of airports should take into consideration the safety areas identified in Airport Land Use Commission (ALUC) policies.

49. As a condition of approval of development in the vicinity of airports, the City should require aviation easement dedications.

50. The City has had a longstanding interest in the future of Moffett Field due to its potential to serve a significant role in the Bay Area's regional aviation system. The City recognizes and supports the federal government's continued operation and development of Moffett Field. Such operation and development should be planned in a manner consistent with City and regional objectives of future civil aviation use of Moffett Field. The City is committed to working with NASA and other local and regional government agencies to preserve opportunities for future aviation-related uses and facilities at Moffett Field, including its continued availability to the region for emergency disaster relief purposes.

Bicycling

51. The City should develop a safe, direct, and well-maintained transportation bicycle network linking residences, employment centers, schools, parks and transit facilities and should promote bicycling as an alternative mode of transportation for commuting as well as for recreation.

52. Bike lanes are considered generally appropriate on arterial and major collector streets. Right-of-way requirements for bike lanes should be considered in conjunction with planning the major thoroughfares network and in implementing street improvement projects.

53. Priority improvements to the Transportation Bicycle Network should include:

- Bike routes linking light rail stations to nearby neighborhoods.

- Bike paths along designated trails and pathways corridors.

- Bike paths linking residential areas to major employment centers.

54. Light rail stations and other public transit embarkation points should include secure and convenient bicycle parking facilities.

55. Bicycle parking facilities that are secure and convenient should be an integral component of such activity centers as major public facilities, business and employment sites and shopping centers.

56. Bicycle safety should be taken into consideration when implementing improvements for automobile traffic operations.

57. The City should cooperate with the County and other cities in designing and implementing the Countywide bikeways system. In the design and implementation of the City's bikeway system effort should be made to interconnect with the bikeway systems of adjacent cities.

Air Quality Policies:

2. Expansion and improvement of public transportation services and facilities should be promoted, where appropriate, to both encourage energy conservation and reduce air pollution.

Energy Policies:

1. The City should promote development in areas served by public transit and other existing services. Higher residential densities should be encouraged to locate in areas served by primary public transit routes and close to major employment centers.

2. Decisions on land use should consider the proximity of industrial and commercial uses to major residential areas in order to reduce the energy used for commuting.

3. Public facilities should be encouraged to locate in areas easily served by public transportation.

5. The City should encourage owners and residents of existing developments to implement programs to use energy more efficiently in buildings and in their transportation choices, to reduce dependency on automobiles, and to explore alternative energy sources.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **September 8, 2004**, any person may:

(1) Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or

(2) Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND; or

- (3) File a formal written protest of the determination that the project would not have a significant effect on the environment. This formal protest must be filed in the Department of Planning, Building and Code Enforcement, 801 North First Street, San Jose, Room 400 and include a \$100 filing fee. The written protest should make a “fair argument” based on substantial evidence that the project will have one or more significant effects on the environment. If a valid written protest is filed with the Director of Planning, Building & Code Enforcement within the noticed public review period, the Director may (1) adopt the Mitigated Negative Declaration and set a noticed public hearing on the protest before the Planning Commission, (2) require the project applicant to prepare an environmental impact report and refund the filing fee to the protestant, or (3) require the Draft MND to be revised and undergo additional noticed public review, and refund the filing fee to the protestant.

Stephen M. Haase, AICP
Director, Planning, Building and Code Enforcement

Circulated on: August 9, 2004

Deputy

Adopted on: _____

Deputy

MND/JAC 12/29/03